

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:18-cv-00280-MR-DLH**

**MICHAEL G. CAPPS, )  
Plaintiff, )  
vs. )                   **ORDER**  
THE OCONEE COUNTY SHERIFF'S )  
DEPARTMENT, et al., )  
Defendants. )  
\_\_\_\_\_  
)**

**THIS MATTER** is before the Court *sua sponte*.

The Plaintiff, who is proceeding *pro se*, initiated this action on October 2, 2018. While the Complaint is inartfully pleaded, it appears that the Plaintiff is attempting to assert claims arising out of an encounter he had in Seneca, South Carolina, with members of the Oconee County Sheriff's Department on January 15, 2017. [Doc. 1]. None of the events described in the Complaint appear to have occurred in the Western District of North Carolina, and all the named Defendants are alleged to be residents of South Carolina. [Id. at 7].

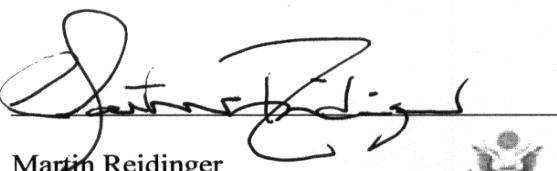
The Plaintiff has filed a similar action based on the same series of events, and that action is currently pending in the United States District Court

for the District of South Carolina. See Capps v. Oconee County Sheriff's Office, No. 8:18-cv-01434-DCC-KFM (filed May 25, 2018). Title 28 of the United States Code, Section 1404(a) provides that a district court "may transfer any civil action to any other district . . . where it might have been brought" for the convenience of the parties and witnesses and in the interest of justice. 28 U.S.C. § 1404(a). Upon review of the Plaintiff's Complaint, the Court concludes that the Plaintiff could have brought this action in the District of South Carolina. The Court further concludes that the convenience of the parties and the interest of justice would be served by transferring this matter to the District of South Carolina where the Plaintiff's other action is currently pending.

Accordingly, **IT IS, THEREFORE, ORDERED** that this case is hereby **TRANSFERRED** to the United States District Court for the District of South Carolina for such further proceedings as are deemed necessary.

**IT IS SO ORDERED.**

Signed: October 3, 2018



Martin Reidinger  
United States District Judge

